

FILED
NOV 28 PM 4 22
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PATRICK E. DUFFY, CLERK

BY

DEPUTY CLERK

No. 04-30131

FILED

NOV 23 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

V.

ROBERT ALLEN ROMO,

Defendant - Appellant.

D.C. No. CR-02-00134-SEH
District of Montana,
Billings

ORDER

Before: B. FLETCHER, McKEOWN, and GOULD, Circuit Judges.

A majority of the panel voted to deny the petition for rehearing and to deny the petition for rehearing en banc. Judge B. Fletcher voted to grant the petition for rehearing and recommended en banc rehearing.

The full court has been advised of the petition for rehearing and rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are denied.